

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

<p>IN RE: ETHICON, INC. PELVIC REPAIR SYSTEM PRODUCTS LIABILITY LITIGATION</p>	<p>Master File No. 2:12-MD-02327 MDL No. 2327</p>
<p>THIS DOCUMENT RELATES TO ALL CASES</p>	<p>JOSEPH R. GOODWIN U.S. DISTRICT JUDGE</p>

**DEFENDANTS' RESPONSE TO EMERGENCY MOTION
FOR PROTECTIVE ORDER**

Defendants Ethicon, Inc. and Johnson & Johnson (collectively “Ethicon”) respond as follows to the Emergency Motion for Protective Order filed by Danel J. Christensen (“Mr. Christensen”) and MedStar Funding, LC (“MedStar”).

1. On November 5, 2013, Ethicon filed a Notice of Issuance of Subpoena Duces Tecum to Mr. Christensen and MedStar, requesting the production of documents related to funding agreements between Ethicon Plaintiffs and MedStar [ECF No. 915]. Counsel for MedStar accepted service of the Subpoena and, on January 7, 2014, provided undersigned counsel for Ethicon with a partial set of responsive documents.

2. Thereafter, with the agreement of counsel for Mr. Christensen and MedStar, and counsel for the other mesh manufacturers, Ethicon filed a Cross Notice of Video Deposition of Daniel J. Christensen on January 9, 2014 [ECF No. 1016], noticing the deposition to take place on January 23, 2014.

3. Due to inclement weather, counsel for all parties agreed on January 21, 2014 to postpone the deposition until January 28, 2014. Therefore, on January 22, 2014, Ethicon properly filed an Amended Cross Notice for Mr. Christensen's deposition. [ECF No. 1044].

4. Mr. Christensen and MedStar now request the entry of a Protective Order to prevent this twice-agreed-upon and properly-noticed deposition from going forward. The primary basis for that request is an alleged conflict of interest between MedStar and counsel of record for Defendant American Medical Systems.

5. Ethicon respectfully submits that the allegations of conflict do not extend to Ethicon or its counsel and, consequently, do not affect the validity of Ethicon's Cross Notice of Video Deposition. Ethicon further states that it was and is ready to proceed with Mr. Christensen's deposition on January 28th, as properly noticed.

6. Nevertheless, Ethicon agrees to a brief postponement of Mr. Christensen's deposition pending the resolution of his Emergency Motion for Protective Order.

THIS, the 27th day of January, 2014.

Respectfully submitted,

ETHICON, INC. AND
JOHNSON & JOHNSON

/s/ David B. Thomas
David B. Thomas (W. Va. Bar No. 3731)
Thomas Combs & Spann, PLLC
300 Summers Street, Suite 1380
P.O. Box 3824
Charleston, WV 23558-3824
(304) 414-1800

/s/ Christy D. Jones
Christy D. Jones
Butler Snow LLP
1020 Highland Colony Parkway
Suite 1400 (39157)

P.O. Box 6010
Ridgeland, MS 39158-6010
(601) 985-4523

CERTIFICATE OF SERVICE

I certify that on January 27, 2014, I electronically filed this document with the Clerk of the Court using the CM/ECF system which will send notification of this filing to CM/ECF participants registered to receive service in this MDL.

/s/ Christy D. Jones
Christy D. Jones

ButlerSnow 19218483v1